

At the meeting of the Public Service Commission of the State of Montana held at the Commission's Offices in Helena, Montana, on March 2, 2004, the following members were present:

Bob Rowe, Chairman
Matt Brainard, Commissioner
Greg Jergeson, Commissioner
Jay Stovall, Commissioner

Commissioner Schneider was absent and did not leave his votes with the Commission Secretary.

APPEARANCE
Will Rosquist

(70) In the matter of NorthWestern Energy, Docket Number D2003.7.90; In July, 2003, NorthWestern Energy filed proposed tariffs which modify the terms under which irrigation customers may receive rate credits related to BPA's residential exchange program. The proposed tariffs revise the maximum monthly kilowatt-hours eligible for the rate credit to be consistent with BPA's Customer Load Eligibility Guidelines.

Commissioner Jergeson moved to approve the modified tariffs. Commissioner Brainard seconded the motion, which passed 4 to 0.

APPEARANCE
Leroy Beeby

(71) In the matter of Citizens Telecommunications Company of Montana, Docket Number N2004.2.24 - On February 13, 2003, Citizens Telecommunications Company of Montana filed tariffs for Commission review and approval. The purpose of the filing is to include additional bundles in the FrontierWorks Small Business Solutions package offerings to business customers. The FrontierWorks Small Business Solutions offers business customers a variety of bundled packages to choose from. The additional bundles include ADSL and Frontier Internet Service at different speeds in the presently offered FrontierWorks Packages, and rate stabilization packages of one, two and three years. Citizens is requesting a March 12, 2004 effective date.

Commissioner Stovall moved to approve the tariff for additional bundles in the FrontierWorks Small Business Solutions package. Commissioner Brainard seconded the motion, which passed 4 to 0.

APPEARANCE
Kate Whitney, Administrator
Utility Division

(72) In the matter of Qwest Communications Docket Number D2000.6.80 – On February 17, 2004, Qwest submitted a Notice of Modification to Exhibit B of Qwest's Statement of Generally Available Terms and Conditions (SGAT). Exhibit B is comprised entirely of the Performance Indicator Definitions (PIDs) that are used to evaluate Qwest's service to its local service

competitors. In this filing, Qwest proposes to: make administrative changes to increase the clarity and accuracy of, but not the meaning of, numerous PIDs; correct PO-16 (timely release notifications); and update certain subparts of GA-1 (gateway availability – IMA-GUI). Qwest requests the Commission allow the amended Exhibit B to take effect within 60 days of filing in accordance with 47 U.S. C. § 252(f)(3) and that the Commission deem the amended Exhibit B to modify the SGAT and existing interconnection agreements that currently contain the PIDs as an exhibit.

Commissioner Brainard moved to approve the modification. Commissioner Stovall seconded the motion, which passed 4 - 0.

APPEARANCE

Wayne Budt, Administrator
Transportation & Centralized Services Division

(73) In the matter of T-04.2.OTSC – On February 20, 2004, an Order to Show Cause was issued to Kakatokacate, a partnership consisting of David, Kevin, Todd, Kendra, Chad and Tenella Wright, Great Falls, Montana, PSC No. 9044 for failure to maintain required liability insurance. The Order to Show Cause was sent certified mail. On February 25, 2004 the envelope was returned as refused. Attempts to contact the carrier have failed as all telephone numbers are disconnected.

Commissioner Brainard moved to cancel PSC No. 9044 for failure to maintain liability insurance. Commissioner Stovall seconded the motion, which passed 4 to 0.

(74) In the matter of the approval of Commission Minutes;

Commissioner Jergeson moved to approve the Commission Minutes for the week of February 23, 2004. Commissioner Stovall seconded the motion, which passed 4 to 0.

APPEARANCE

Al Brogan

(75) In the matter of the Commission's discussion of D2003.8.101 – Havre Pipeline Company – Application to Increase Rates to Direct Rural Farmstead Customers:

Commissioner Jergeson moved to approve the application to increase rates for Direct Rural Farmstead Customers. Commissioner Stovall seconded the motion, which passed 4 to 0.

(76) In the matter of the Commission's discussion of D2003.10.152 – Wilder Resorts, Inc. dba Fairmont Hot Springs Resort – Application for Authority to Increase Rates and Charges for Water Customers;

Commissioner Stovall moved to appoint Commissioner Brainard as hearings examiner in the application of Wilder Resorts, Inc. in Docket No. D2003.10.152. Commissioner Jergeson

seconded the motion, which passed 4 to 0.

(77) In the matter of the Commission's discussion of NorthWestern Energy Bankruptcy – Placeholder on Any Matter Related to the Bankruptcy; direction was requested with respect to a fee examiner.

Commissioner Jergeson moved to appoint a fee examiner and submit the two names recommended. Commissioner Stovall seconded the motion.

Commissioner Brainard made a substitute motion to support the appointment of a fee examiner without recommending any individuals. Commissioner Jergeson seconded the motion, which passed 4 to 0.

(78) In the matter of the Commission's discussion of D2003.8.109 – Montana Consumer Counsel – Motion to Compel Response to Data Request and for Order Establishing Procedures for Determination of Claims of Privilege and Immunity from Discovery;

Commissioner Jergeson moved to approve the stipulation with the condition that a Special Master not be appointed until negotiation between the parties failed. Commissioner Brainard seconded the motion, which passed 4 to 0.

APPEARANCE

Kate Whitney, Administrator
Utility Division

(79) In the matter of the Commission's discussion of Qwest MOU re: payment of long-term PID administration facilitator;

Commissioner Brainard moved to approve the amendment to the MOU between Qwest and the Commission concerning payment of the long-term PID administration facilitator. Commissioner Stovall seconded the motion, which passed 4 to 0.

APPEARANCE

Wayne Budt, Administrator
Transportation & Centralized Services Division

(80) In the matter of the Commission's discussion of EPP/Budget/Travel;

Commissioner Jergeson moved to authorize out-of-state travel for Wayne Budt; (Las Vegas, NV May 3rd) to be reimbursed by the federal government. Commissioner Brainard seconded the motion, which passed 4 to 0.

Commissioner Jergeson moved to fill the vacancy in the Rate Design Bureau, Position No. 25. Commissioner Brainard seconded the motion, which passed 4 to 0.

Commissioner Jergeson moved we proceed with the hiring of one full-time employee and bring

this issue back to the Commission when the formal hiring process begins. Commissioner Stovall seconded the motion, which passed 4 to 0.

There being no further business to come before the Commission the meeting was adjourned.

BOB ROWE, Chairman

MATT BRAINARD, Commissioner

GREG JERGESON, Commissioner

JAY STOVALL, Commissioner

ATTEST:

Connie Jones
Commission Secretary

(SEAL)

At the meeting of the Public Service Commission of the State of Montana held at the Commission's Offices in Helena, Montana, at 9:20 a.m. on March 4, 2004, the following members were present:

Bob Rowe, Chairman
Tom Schneider, Vice-Chairman
Matt Brainard, Commissioner
Greg Jergeson, Commissioner

Proxy vote for Commissioner Jay Stovall was left with Commissioner Rowe.

APPEARANCE

Mike Lee

(81) In the matter of the Commission's discussion - MITS/MTA, ETC rulemaking Petition;

Commissioner Jergeson moved to grant rulemaking petition, issue NOI as stated in Commissioner Rowe's memo (Part B), issue NPRM on April 1. Commissioner Schneider seconded the motion, which passed unanimously.

(Part B) **Rulemaking**

Issue NOI-type notice that "The Commission intends to issue a NPRM on (mid-April date 60 days from filing of petition.). Before issuing the notice, the Commission requests comment on the following:

1. What additions or modifications to the proposal, if any, should be considered based on the JB RD discussion of ETC certification? [Assuming this would be consistent with APA RM petition section]
2. Whether the NRPM should be broadened to include non-rural areas? If so, propose specific language.
3. Any specific, suggested modifications to the filed proposal. (Optional)
4. NOI comments would be due around April 1, to allow prep of NPRM.

The point of the above approach is to clearly state there will be RM, rather than invite comments on whether there should be RM.

An additional question is whether the Commission should consider freezing all CETC apps until there is a final order from the FCC or Court of Appeals concerning the primary line proposal.

There being no further business to come before the Commission the meeting was adjourned.

BOB ROWE, Chairman

THOMAS J. SCHNEIDER, Vice Chairman

MATT BRAINARD, Commissioner

GREG JERGSON, Commissioner

JAY STOVALL, Commissioner

ATTEST:

Connie Jones
Commission Secretary

(SEAL)